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MITIGATED NEGATIVE DECLARATION

March 27, 2009

Project Name: California Investment Bankers TM

Project Numbers: TM5488, ER 06-14-021

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for
Biological Resources, Stormwater Management Plan, Hydrologic Study,
Fire Protection Plan, and Cultural Resources Report.
1. California Environmental Quality Act Negative Declaration Findings:
- Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

I. TRANSPORTATION

- A. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

II. BIOLOGICAL RESOURCES

- A. Prior to approval of grading or improvement plans, and prior to approval of the Parcel Map, the applicant shall:

Provide for the approval of the Director of Planning and Land Use evidence that 0.6 acres of Tier III or higher Tier habitat credit has been secured in a County approved mitigation bank located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:

[DPLU, FEE X2]

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.6 acres of Tier III or higher Tier habitat credit located within the Multiple Species Conservation Program (MSCP) in an area designated as PAMA or meeting the definition of a BRCA. A Habitat Management Plan (HMP) for the habitat must be submitted and

approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

3. Required Design Elements

- B. The "Standard Conditions for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk as Resolution No. 00-199, shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized.
- C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to issuance of grading or other permits as specified):

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

- 1. Standard Conditions 1 through 9
- 2. Specific Conditions:
 - a. Prior to approval of the Final Map, improve or agree to improve and provide security for the project side of Single Oak Drive along the project frontage in accordance with Public Road Standards for a Residential Collector Road, to a graded width of thirty feet (30') from centerline and to an improved width of twenty-feet (20') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk. The intersection with Single Oak Court shall be constructed with curb returns radii of 30 feet to ultimate half road width with a taper transition and A.C. dike to match existing pavement (northerly). Face of curb will be twenty feet (20') from centerline. All of the foregoing shall be to the satisfaction of the Director of Public Works.
 - b. Prior to approval of the Final Map, improve or agree to improve and provide security for the project side of Rockcrest Road along the project frontage in accordance with Public Road Standards for a Residential Collector Road, to a graded width of thirty-feet (30') from centerline and to an improved width of twenty-feet (20') from centerline with asphalt

concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk, with face of curb at twenty-feet (20') from centerline and asphalt concrete taper transition to match existing pavement (easterly), all to the satisfaction of the Director of Public Works.

- c. Prior to approval of the Final Map, improve or agree to improve and provide security for the private easement road, Single Oak Court, to a minimum graded width of thirty-eight feet (38') with thirty-two feet (32') of asphalt concrete pavement over approved base. The improvement and design standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply to the satisfaction of the Lakeside Fire Protection District and the Director of Public Works. [FIRE]
- d. Single Oak Court shall terminate with a cul-de-sac graded to a radius of forty-two feet (42') and surfaced to a radius of thirty-eight feet (38') with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk with face of curb at thirty-eight feet (38') from the radius point apply to the satisfaction of the Lakeside Fire Protection District and the Director of Public Works. [FIRE]
- e. The subdivider shall construct to the satisfaction of the Director of Public Works, a public street lighting system that complies with the following to the satisfaction of the director of public works: [DPW - Development Review Section]
 - (1) All fixtures shall use a high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories in which case fixtures shall use a low pressure sodium vapor light source.
 - (2) Deposit with the County of San Diego, through the Department of Public Works, a cash deposit sufficient to:
 - i. Energize, maintain and operate the street lighting system until tax revenues begin accruing from the subdivision for those purposes.
 - ii. Pay the cost to process lighting district administration of this project. After recording of the Final Map, the subdivision shall be transferred without notice or hearing, to Zone A of the lighting district to operate and maintain the system.

- f. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- g. The private easement road, Single Oak Court, including the cul-de-sac shall be posted with "NO PARKING" signs to the satisfaction of the Lakeside Fire Protection District. [FIRE]
- h. A Registered Civil Engineer, Registered Traffic Engineer, or Licensed Land Surveyor shall provide a certified signed statement that, "Physically, there is a minimum unobstructed sight distance in both directions along Single Oak Drive from Single Oak Court and proposed project driveways, for the prevailing operating traffic speed on Single Oak Drive per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999)", to the satisfaction of the Director of Public Works. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that, "said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- i. A Registered Civil Engineer, Registered Traffic Engineer, or Licensed Land Surveyor shall provide a certified signed statement that, "Physically, there is a minimum unobstructed sight distance in both directions along Rockcrest Road from proposed project driveways, for the prevailing operating traffic speed on along Rockcrest Road per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999)", to the satisfaction of the Director of Public Works. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that, "said lines of sight fall within the existing right-of-way and a clear space easement is not required."

(Drainage and Flood Control)

- 3. Standard Conditions 13 through 18.
- 4. Specific Conditions:
 - a. The private storm drain system including all bio-swales shall be maintained by a maintenance mechanism such as a homeowners

association or other private entity to the satisfaction of the Director of Public Works.

(Grading Plans)

5. Standard Conditions 19 (a-d).

6. Specific Conditions:

- a. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for **Low Impact Development (LID)**, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

NOTE: The applicant shall submit as part of L-grading plan the currently county used checklist: "Storm Water Management Plan for Priority Projects (Major SWMP)" that is required after March 24, 2008 to supplement the submitted Storm Water Management Plan for this project. Visit:

http://www.sdcounty.ca.gov/dpw/watersheds/susmp/susmppdf/susmp_appendix_c.pdf

NOTE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf

All priority projects must minimize directly connected impervious areas and promote biofiltration. D.1.d(4) subsections (a) and (b) are the minimal site design requirements that project applicants must address and implement. These can be summarized into the following four requirements: Disconnect impervious surfaces; Design impervious surfaces to drain into properly designed pervious areas; Use pervious surfaces wherever appropriate; Implement site design BMP's.

The applicant / engineer must determine the applicability and feasibility of each requirement for the proposed project and include them in the project design, unless it can be adequately demonstrated which (if any) of the requirements do not apply.

- b. The project includes Category 2 post-construction BMP's. The applicant will be required to establish a maintenance agreement / mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.
- c. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

FAIR HOUSING

- 7. Standard Condition 20.

SANITATION

8. Standard Condition 21 (a-d).

WATER SUPPLY

9. Standard Condition 23.1 (a-c).

FIRE SUPPRESSION

10. Standard Condition 23.2.

DEVELOPMENT IMPACT FEES

11. Specific Conditions;

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private road improvements.

FINAL MAP RECORDATION

(Streets and Dedication)

12. Specific Conditions:

- a. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- b. Because private roads are approved as a condition of this subdivision, the following shall apply:
 - (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
 - (2) Access to lots 8 through 14 shall be provided by private road easement not less than forty feet (40') wide.
- c. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF

1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Subdivision Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.

- d. If conducted prior to January 1, 2000, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.506(j)).

If conducted after December 31, 1999, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

(Miscellaneous)

- 13. Standard Conditions 25, 26, 27, and 28 (a-f).

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

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Project Planning Division

Copies:

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